

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

HENRY KEITH WYKLE,

Petitioner,

v.

Civil Action No. 2:15-09060

DAVID BALLARD,

Respondent.

MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on February 9, 2016, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

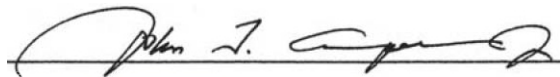
The court, accordingly, ORDERS as follows:

1. Respondent's Motion to Dismiss Petition as Untimely Filed shall be, and hereby is, granted; and

2. Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 shall be, and it hereby is, denied.

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and the magistrate judge.

DATED: March 10, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge